

# भारत का राजपत्र

## The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 2  
PART II—Section 2

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 51] नई विल्सो, मंगलवार, प्रवृत्ति 19, 1982/आस्विन 27, 1904  
No. 51] NEW DELHI, TUESDAY, OCTOBER 19, 1982/ASVINA 27, 1904

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे इस यह अलग संकलन  
के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation

### LOK SABHA

The following Bills were introduced in Lok Sabha on the 19th October, 1982:—

BILL No. 133 of 1982

*A Bill to amend the Payment of Gratuity Act, 1972.*

1. (1) This Act may be called the Payment of Gratuity (Amendment) Act, 1982.

Short title  
and  
commence-  
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

39 of 1972. 2. In section 2 of the Payment of Gratuity Act, 1972 (hereinafter referred to as the principal Act),—

Amend-  
ment of  
section 2.

(a) in clause (e),—

(i) for the words "one thousand rupees", wherever they occur, the words "one thousand and six hundred rupees" shall be substituted;

(ii) for the portion beginning with the words "but does not include any such person" and ending with the words and figures "or the Navy Act, 1957.", the following shall be substituted, namely:—

62 of 1957.

"and whether or not such person is employed in a managerial or administrative capacity, but does not include

any such person who holds a post under the Central Government or a State Government and is governed by any other Act or by any rules providing for payment of gratuity.”;

(b) for clause (r), the following clause shall be substituted, namely:—

“(r) “superannuation”, in relation to an employee, means the attainment by the employee of such age as is fixed in the contract or conditions of service as the age on the attainment of which the employee shall vacate the employment.”.

**Amend-  
ment of  
section 4.**

3. In section 4 of the principal Act,—

(a) in sub-section (1), for the words “nominee or”, the words “nominee or, as the case may be, the guardian of such nominee or” shall be substituted;

(b) in sub-section (2), in the second proviso, for the words “an employee employed in a seasonal establishment”, the words “an employee who is employed in a seasonal establishment and who is not so employed throughout the year” shall be substituted;

(c) in sub-section (6), in clause (b), for the words “shall be wholly forfeited”, the words “may be wholly or partially forfeited” shall be substituted;

(d) after sub-section (6), the following sub-section shall be inserted and shall be deemed always to have been inserted, namely—

“(7) For the removal of doubts, it is hereby declared that the gratuity determined in accordance with the provisions of *Explanation* to clause (e) of section 2 shall be payable to an employee referred to in that clause notwithstanding that immediately, or at any time, before the termination of his employment in the manner specified in clause (a) or clause (b) or clause (c) of sub-section (1), he was in receipt of—

(i) where such termination of his employment is before the commencement of the Payment of Gratuity (Amendment) Act, 1982, wages exceeding one thousand rupees per month, and

(ii) where such termination of his employment is after such commencement, wages exceeding one thousand and six hundred rupees per month.

**Amend-  
ment of  
section 7.**

4. In section 7 of the principal Act,—

(a) in sub-section (4),—

(i) in clause (a), the *Explanation* shall be omitted;

(ii) clauses (b), (c) and (d) shall be re-lettered as clauses (c), (d) and (e) respectively, and before clause (c) as so re-lettered, the following clause shall be inserted, namely:—

“(b) Where there is a dispute with regard to any matter or matters specified in clause (a), the employer or employee or any other person raising the dispute may make an application to the controlling authority for deciding the dispute.”;

(iii) for clause (c) as so re-lettered, the following clause shall be substituted, namely —

“(c) The controlling authority shall, after due inquiry and after giving the parties to the dispute a reasonable opportunity of being heard, determine the matter or matters in dispute and if, as a result of such inquiry any amount is found to be payable to the employee, the controlling authority shall direct the employer to pay such amount or, as the case may be, such amount as reduced by the amount already deposited by the employer.”;

(iv) in clause (e) as so re-lettered, in sub-clause (ii), for the words “nominee or”, the words “nominee or, as the case may be, the guardian of such nominee or” shall be substituted;

(b) in sub-section (7), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that no appeal by an employer shall be admitted unless at the time of preferring the appeal, the appellant either produces a certificate of the controlling authority to the effect that the appellant has deposited with him an amount equal to the amount of gratuity required to be deposited under sub-section (4), or deposits with the appellate authority such amount.

**5. After section 7 of the principal Act, the following sections shall be inserted, namely:—**

Insertion  
of new  
sections  
7A and  
7B.  
Inspectors.

“7A. (1) The appropriate Government may, by notification, appoint as many Inspectors, as it deems fit, for the purposes of this Act.

(2) The appropriate Government may, by general or special order, define the area to which the authority of an Inspector so appointed shall extend and where two or more Inspectors are appointed for the same area, also provide, by such order, for the distribution or allocation of work to be performed by them under this Act.

(3) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Powers  
of Inspec-  
tors.

7B. (1) Subject to any rules made by the appropriate Government in this behalf, an Inspector may, for the purpose of ascertaining whether any of the provisions of this Act or the conditions, if any, of any exemption granted thereunder, have been complied with, exercise all or any of the following powers, namely:—

(a) require an employer to furnish such information as he may consider necessary;

(b) enter and inspect, at all reasonable hours, with such assistance (if any), being persons in the service of the Government or local or any public authority, as he thinks fit, any premises of or place in any factory, mine, oilfield, plantation, port, railway company, shop or other establishment to which this Act applies, for the purpose of examining any register, record or notice or other document required to be kept or exhibited under this Act or the rules made thereunder, or otherwise kept or exhibited in relation to the employment of any person or the payment of gratuity to the employees, and require the production thereof for inspection;

(c) examine with respect to any matter relevant to any of the purposes aforesaid, the employer or any person whom he finds in such premises or place and who, he has reasonable cause to believe, is an employee employed therein;

(d) make copies of, or take extracts from, any register, record, notice or other document, as he may consider relevant, and where he has reason to believe that any offence under this Act has been committed by an employer, search and seize with such assistance as he may think fit, such register, record, notice or other document as he may consider relevant in respect of that offence;

(e) exercise such other powers as may be prescribed.

(2) Any person required to produce any register, recorded, notice or other document or to give any information by an Inspector under sub-section (1) shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

45 of 1960.

(3) The provisions of the Code of Criminal Procedure, 1973 shall so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of that Code.”.

2 of 1974.

Amend-  
ment of  
section  
13.

6. In section 13 of the principal Act, after the words “payable under this Act”, the words “and no gratuity payable to an employee employed in any establishment, factory, mine, oilfield, plantation, port, railway company or shop exempted under section 5” shall be inserted.

### STATEMENT OF OBJECTS AND REASONS

The Payment of Gratuity Act, 1972 provides for payment of gratuity to employees engaged in factories, mines, oilfields, plantations, ports, railway companies, shops or other establishments and for matters connected therewith or incidental thereto. The working of the Act during the last ten years has brought to light the need for certain amendments. Suggestions in this regard have been received, *inter alia*, from the State Governments and organizations of employers and workmen. The matter came up for discussion in the Labour Ministers' Conference held in July, 1980 and the Conference has also made certain recommendations.

2. The following are the more important amendments which are proposed to be made in the Act:—

(i) The coverage of the Act is proposed to be extended to persons drawing wages up to Rs. 1,600 per mensem in view of the rise in the wage levels on account of increase in the cost of living.

(ii) Persons employed in administrative or managerial capacity on wages not exceeding Rs. 1,600 per mensem are also proposed to be brought within the purview of the Act as it would be anomalous to deny them the benefit of gratuity while allowing the same to workmen drawing similar wages.

(iii) It is proposed to treat the employees of seasonal establishments on par with similar employees of non-seasonal establishments and allow gratuity at the rate of 15 days' wages per annum.

(iv) Controlling authorities are being conferred the power to decide a dispute regarding the admissibility of a claim as well as other statutory matters.

(v) Provision is being made for the appointment of Inspectors for the better administration of the Act.

The other amendments proposed in the Bill are of a minor or consequential nature.

3. The Bill seeks to give effect to the above proposals.

NEW DELHI;

VEERENDRA PATIL.

The 18th September, 1982.

---

### PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. S-70022|12|80-FPG(pt.) Vol. I, dated the 1st October, 1982 from Shri Dharmavir, Deputy Minister in the Ministry of Labour and Rehabilitation to the Secretary, Lok Sabha.]

The President of India having been informed of the subject matter of the above mentioned Bill, has, in pursuance of clause (3) of article 117 of the Constitution, recommended the consideration of the said Bill by Lok Sabha.

**FINANCIAL MEMORANDUM**

New section 7A which clause 5 of the Bill seeks to insert in the principal Act provides for the appointment by the appropriate Government of such number of Inspectors as that Government deems fit for the purposes of the Act. As a result of this provision, the Central Government will have to appoint Inspectors in relation to establishments in respect to which the Central Government is the appropriate Government. The Inspectors who are required to be appointed by the Central Government would be drawn from the Central Industrial Relations machinery and that machinery will have to be suitably augmented and strengthened for this purpose. At this stage, it is not possible to make an accurate estimate of the recurring and non-recurring expenditure that would be involved, as a result of the provision for appointment of Inspectors. However the expenditure of a recurring nature which will be mainly towards defraying the salaries, etc., is not likely to exceed Rs. 18 lakhs per year and the expenditure of a non-recurring nature which will be mainly for providing furniture, etc., is not likely to exceed Rs. 2 lakhs.

## BILL No. 136 OF 1982

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 4) Act, 1982.

Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of five hundred and eighty-nine crores, seventy lakhs and thirty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1982-83, in respect of the services specified in column 2 of the Schedule.

Issue of  
Rs. 589,70,  
30,000  
out of  
the Con-  
solida-  
ted  
Fund  
of India  
for the  
year  
1982-83.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appro-  
priation.

**THE SCHEDULE**  
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding			Total
		Voted by Parliament	Charged on the Consoli- dated Fund		
		Rs.	Rs.	Rs.	
2	Agriculture . . . Capital	17,99,00,000	50,00,00,000	67,99,00,000	
3	Fisheries . . . Capital	..	45,00,000	45,00,000	
4	Animal Husbandry and Dairy Development . . . Capital	..	70,00,000	70,00,000	
10	Ministry of Civil Supplies . Revenue	..	2,27,000	2,27,000	
12	Foreign Trade and Export Production . Capital	40,00,000	..	40,00,000	
13	Textiles, Handloom and Handicrafts . . . Revenue	2,00,000	..	2,00,000	
	Capital	22,87,00,000	..	22,87,00,000	
14	Ministry of Communications Capital	12,36,00,000	..	12,36,00,000	
18	Capital Outlay on Posts and Telegraphs . Capital	4,000	..	4,000	
26	Education . . . Revenue	4,05,00,000	..	4,05,00,000	
30	Department of Power . Revenue	10,00,00,000	..	10,00,00,000	
	Capital	3,000	..	3,000	
31	Ministry of External Affairs . Revenue	5,00,00,000	..	5,00,00,000	
38	Currency, Coinage and Mint Revenue	..	8,000	8,000	
	Capital	..	3,40,000	3,40,000	
41	Transfers to State Governments . . . Revenue	75,00,00,000	..	75,00,00,000	
42	Other Expenditure of the Ministry of Finance . Revenue	1,000	..	1,000	
	Capital	73,50,00,000	..	73,50,00,000	
43	Loans to Government Servants etc. . Capital	7,00,00,000	..	7,00,00,000	
55	Andaman and Nicobar Islands Revenue	9,36,24,000	..	9,36,24,000	
59	Industries . . . Revenue	10,00,00,000	..	10,00,00,000	
62	Information and Publicity . Revenue	3,000	..	3,000	
63	Broadcasting . . . Revenue	2,09,04,000	..	2,09,04,000	
	Capital	3,000	..	3,000	
64	Ministry of Irrigation . Revenue	5,00,00,000	..	5,00,00,000	
69	Ministry of Petroleum, Chemicals and Fertilizers . Revenue	12,00,000	..	12,00,000	

No. of Vote	Services and purposes	Sums not exceeding			Total
		Voted by Parliament	Charged on the Consoli- dated Fund		
71	Chemicals and Fertilizers Industries . . .	Revenue	200,00,00,000	..	200,00,00,000
		Capital	2,000	..	2,000
78	Ports, Lighthouses and Shipping . . .	Revenue	1,69,72,000	..	1,69,72,000
79	Road and Inland Water Transport . . .	Revenue	18,00,000	..	18,00,000
		Capital	27,00,00,000	..	27,00,00,000
80	Ministry of Social Welfare . . .	Revenue	7,00,04,000	..	7,00,04,000
82	Department of Mines . . .	Capital	8,00,00,000	..	8,00,00,000
91	Public Works . . .	Capital	1,00,00,000	..	1,00,00,000
92	Water Supply and Sewerage . . .	Revenue	28,00,00,000	..	28,00,00,000
98	Department of Electronics . . .	Capital	10,85,01,000	..	10,85,01,000
102	Survey of India . . .	Revenue	..	34,000	34,000
	TOTAL . . .		538,49,21,000	51,21,09,000	589,70,30,000

**STATEMENT OF OBJECTS AND REASONS**

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government, excluding Railways, for the financial year 1982-83.

PRANAB MUKHERJEE.

---

**RECOMMENDATION OF THE VICE-PRESIDENT DISCHARGING  
THE FUNCTIONS OF THE PRESIDENT UNDER ARTICLE 117  
OF THE CONSTITUTION OF INDIA**

[Copy of letter No. F.4(65)-B(SE)/82, dated the 15th October, 1982 from Shri Pranab Kumar Mukherjee, Minister of Finance to the Secretary, Lok Sabha.]

The Vice-President discharging the functions of the President, having been informed of the subject matter of proposed Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year ending on the 31st day of March, 1983, recommends the introduction of the Appropriation (No. 4) Bill, 1982 in Lok Sabha and also recommends to Lok Sabha the consideration of the Bill under article 117(1) and (3) of the Constitution read with article 115(2) thereof.

2. The Bill will be introduced in Lok Sabha after all the Supplementary Demands for Grants for 1982-83 have been voted.

---

AVTAR SINGH RIKHY,  
*Secretary.*